

APPEAL NO. 020860  
FILED MAY 29, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 20, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and had disability from \_\_\_\_\_, through the date of the hearing. The appellant (carrier) contends that the hearing officer mischaracterized and placed undue emphasis on portions of the evidence. Additionally, the carrier contends that there is insufficient evidence to support the compensability and disability determinations. The appeal file contains no response from the claimant.

DECISION

Affirmed.

The carrier complains on appeal that the hearing officer, in his Statement of the Case, mischaracterized and placed undue emphasis on certain portions of the evidence. A statement of evidence, if made, only needs to reasonably reflect the record. Texas Workers' Compensation Commission Appeal No. 93791, decided October 18, 1993. The 1989 Act only requires findings of fact, conclusions of law, whether benefits are due, and an award of benefits due. Each area that the hearing officer addressed in the Statement of the Case is supported by the record and there is no indication that "undue emphasis" was placed on any of the evidence.

Whether a claimant sustained a compensable injury and had disability are factual questions for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the matters complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

We affirm the decision and order of the hearing officer.

The true corporate name of the self-insured is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C. T. CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge